

The Meeting of the Nibley City Council held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Thursday, February 6, 2014.

The following actions were made during the meeting:

Councilmember Jacobsen motioned to adopt Resolution 14-1: Establishing the annual City Council meeting schedule of 6:30 p.m. on the first and third Thursdays of each month and waiving the second reading. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Councilmember Jacobsen motioned to adopt Resolution 14-4: A Resolution adopting the municipal wastewater planning program and made a motion to accept the report. Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, and Councilmember Cook all in favor.

Councilmember Whittaker motioned to approve the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3300 South 640 West. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Whittaker, Councilmember Beus, Councilmember Jacobsen, and Councilmember Cook all in favor.

Councilmember Jacobsen motioned to adopt Resolution 14-3: A Resolution Establishing the Dates for Heritage Days. Councilmember Whittaker seconded the motion.

Councilmember Jacobsen made a motion to amend Resolution 14-3 to say “The 2014 Nibley City Heritage Days Festival shall be held in June according a schedule approved by the Heritage Days organizing committee.” Councilmember Whittaker seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Beus all in favor.

Councilmember Whittaker made a motion made a motion to amend Resolution 14-3 to read “The date for Heritage Days shall be established prior to December 31 of the prior year.” Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Councilmember Jacobsen made a motion to amend to waive the second reading of Resolution 14-3. Councilmember Beus seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Whittaker, and Councilmember Hansen all in favor.

The amended motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Beus all in favor.

Councilmember Hansen motioned to adopt Resolution 13-12: A Resolution Amending the Fee Structure for the Rental of Nibley City Facilities. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, Councilmember Whittaker, and Councilmember Beus all in favor.

Councilmember Hansen motioned to approve the first reading of Resolution 14-2: A Resolution Approving the Nibley City Investment Policy. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus all in favor.

Councilmember Beus motioned to approve the first reading of Ordinance 14-1: An ordinance updating the Nibley City subdivision ordinance. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Cook, Councilmember Whittaker, Councilmember Jacobsen, and Councilmember Hansen all in favor.

Councilmember Beus motioned to approve the first reading of Ordinance 14-2: An ordinance updating the Nibley City land use chart and associated definitions. Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Cook in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Assistant City Recorder Cheryl Bodily

Councilmember Jacobsen made a motion to nominate Councilmember Carrie Cook as temporary City Council Chair. Councilmember Whittaker seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Beus, and Councilmember Cook all in favor.

Mayor Pro Tempore Carrie Cook called the Thursday, February 6, 2014 Nibley City Council meeting to order at 6:33 p.m. Those in attendance included Councilmember Carrie Cook, Councilmember Kathryn Beus, Councilmember Larry Jacobsen, Councilmember Amber Whitaker, and Councilmember Bryan Hansen. Mr. David Zook, the City Manager, and the City Planner were also in attendance.

Call to order; approval of agenda; and approval of the January 16 meeting minutes and the January 22, 2014 regular and executive session meeting minutes

Councilmember Whittaker made a motion to approve the prior meeting's minutes and the evening's agenda. Councilmember Jacobsen seconded the motion.

Councilmember Jacobsen asked which minutes were included in Councilmember Whittaker's motion. Councilmember Whittaker said her motion included the January 22, 2014 executive session and regular meeting minutes and the January 16 meeting minutes.

Mr. Zook informed the City Council that the Mayor was not prepared for the consideration of the appointment to the Planning & Zoning Commission so this item could be removed from the agenda.

The motion passed 4-0; with Councilmember Whittaker, Councilmember Jacobsen, Councilmember Beus, and Councilmember Hansen all in favor.

Councilmember Jacobsen gave a thought and led the City Council and public present in the Pledge of Allegiance.

Discussion and Consideration of Resolution 14-1: A Resolution Approving the Nibley City Annual Meeting Schedule

Mr. Zook said the Resolution provided a schedule so that the public was aware of the regular City Council meeting time. He recommended the City Council waive the second reading of the Resolution because of its simplicity.

Councilmember Jacobsen made a motion to adopt Resolution 14-1: Establishing the annual City Council meeting schedule of 6:30 p.m. on the first and third Thursdays of each month and waiving the second reading. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Hansen, and Councilmember Whittaker all in favor.

Adoption of Annual Wastewater Report

Mr. Zook said they were asked by the State to adopt and prepare this annual report. He said it was a self-assessment. He said the State had asked them to adopt a resolution saying they had reviewed and accepted the items in the report. Mr. Zook suggested the City Council waive the second reading of this report because of its simplicity. Mr. Zook summarized the annual wastewater report for the City Council and public present. Mr. Zook said the State would review this report and if they saw any problems would follow up with the City.

Mayor Pro Tempore Cook and Mr. Zook discussed if this item was properly advertised to the public.

Councilmember Jacobsen made a motion to adopt Resolution 14-4: A Resolution adopting the municipal wastewater planning program and made a motion to accept the report. Councilmember Hansen seconded the motion. The motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Hansen, Councilmember Beus, and Councilmember Cook all in favor.

Public Hearing: Regarding a preliminary and final plat for the Holm Minor subdivision, a lot split located at approximately 3500 South 640 West. (Applicant: Denise Holm/Neal McBride)

The applicant's, Denise Holm and Neal McBride were not present at the meeting.

The City Planner said Mr. McBride owned 10 acres. She described the layout of his property. She said there was just one home that was being split off. She said this application had been through the engineering review and the Planning & Zoning Commission. The City Planner informed the City Council of the improvements that would need to be made and said the applicants had opted to escrow to the city to pay for improvements that would happen at a future date. Councilmember Whittaker asked if the escrow payment were based on current costs or projected costs. The City Planner said they were based on current costs. Councilmember Hansen and the City Planner discussed driveway requirements.

Mayor Pro Tempore Cook gave the public instructions and opened the public hearing at 6:53. Seeing no public comment, Mayor Pro Tempore Cook closed the public hearing at 6:54.

Discussion and consideration of a preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3300 South 640 West. (Applicant: Denise Holm/Neal McBride)

Councilmember Hansen asked about accessing this property from Scott Farm. The City Planner said the access for this property was from 640 West.

Councilmember Jacobsen discussed the subdivision process. He referenced State Code 10-98-603, section 2, which said the subdivision process was an administrative process and not a legislative process. He said if the application met their ordinances and requirements then it was a matter of administering their code, not writing it. Councilmember Jacobsen asked if there was anything in this subdivision that did not conform to current Nibley City code or ordinance. The City Planner said there was not.

Councilmember Whittaker made a motion to approve the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3300 South 640 West. Councilmember Beus seconded the motion. The motion passed unanimously 4-0; with Councilmember Whittaker, Councilmember Beus, Councilmember Jacobsen, and Councilmember Cook all in favor.

Discussion and consideration of Resolution 14:3: A Resolution Establishing the Dates for Heritage Days

Mr. Zook discussed the history of Heritage Days and the date's it had occurred. Mr. Zook said Resolution 14-3 moved Heritage Days to the week preceding the third Saturday in June. He said the Heritage Days co-Chairs and the director of the Nibley City Children's Theater had mutually agreed on this date. He also noted that this resolution would only apply to the current year; his understanding was that it would change the dates one time

and then revert back to the previous time of the week preceding the forth Saturday in June. He said this resolution proposed that Heritage Days occur on June 19-21.

Councilmember Jacobsen asked that the Heritage Days organizers name be read for the recognition; Mayor Pro Tempore Cook recognized Heritage Days co-chairs Malia Roundy and Jill Galloway and Janelle Brimley, Nibley Children's Theatre Director, with Bonnie Darrington, Nibley Children's Theatre grant writer

Mayor Dustin arrived at 7:09.

Mrs. Roundy, Mrs. Galloway, and Mrs. Darrington discussed why they had decided on the proposed date. Mrs. Darrington said if there were ever an occurrence when Heritage Days was pushed into July then their grant money could be in jeopardy. She said she would prefer to keep the dates flexible.

Mayor Dustin asked Mayor Pro Tempore Cook to continue as chair through the current discussion.

Councilmember Jacobsen made a motion to adopt Resolution 14-3: A Resolution Establishing the Dates for Heritage Days. Councilmember Whittaker seconded the motion.

Councilmember Jacobsen made a motion to amend Resolution 14-3 to say "The 2014 Nibley City Heritage Days Festival shall be held in June according a schedule approved by the Heritage Days organizing committee." Councilmember Whittaker seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Beus all in favor.

Councilmember Whittaker made a motion to amend Resolution 14-3 to read "The date for Heritage Days shall be established prior to December 31 of the prior year." Councilmember Hansen seconded the motion. The motion passed 4-0; with Councilmember Whittaker, Councilmember Hansen, Councilmember Jacobsen, and Councilmember Beus all in favor.

Councilmember Jacobsen made a motion to amend to waive the second reading of Resolution 14-3. Councilmember Beus seconded the motion. The motion passed 4-0; with Councilmember Jacobsen, Councilmember Beus, Councilmember Whittaker, and Councilmember Hansen all in favor.

The amended motion passed unanimously 4-0; with Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Beus all in favor.

Councilmember Whittaker asked the Heritage Days committee chair to adjust the time between the Mayor's dinner and the flag ceremony.

Mrs. Roundy and Galloway discussed their thought process in shortening Heritage Days to a three day event. They discussed the entertainment and the Mayor's dinner.

Mayor Dustin took over as chair of the meeting and thanked the Heritage Day's organizers present at the meeting. Mayor Dustin said he would not do Heritage Man.

Discussion and Consideration of Resolution 13-12: A Resolution Amending the Fee Structure for the Rental of Nibley City Facilities (3rd Reading)

Mr. Zook said he had reviewed his notes and the previous meeting's audio recording and had included all the City Council's changes from the 1-16-14 meeting. He reviewed the newly edited Facility Reservation Fee Schedule.

Councilmember Hansen made a motion to adopt Resolution 13-12: A Resolution Amending the Fee Structure for the Rental of Nibley City Facilities. Councilmember Jacobsen seconded the motion.

Councilmember Whittaker asked about the replacement fees that were listed at the bottom of the schedule. She asked if they were actual fees. Mr. Zook said they were projected cost and the City Planner said the replacement fees were based on the costs of the items when they were originally purchased.

Councilmember Beus requested wording be added addressing when fees are due.

Mr. Zook added the following line: "Fees are due that the time a reservation is made."

Councilmember Jacobsen asked if Mr. Zook and city staff were comfortable with making what could be difficult decisions about use of the building. Mr. Zook said they had done so already and were comfortable with enforcing the fee structure.

The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Jacobsen, Councilmember Cook, Councilmember Whittaker, and Councilmember Beus all in favor.

Discussion and Consideration of Resolution 14-2: A Resolution Approving the Nibley City Investment Policy (1st Reading)

Mr. Steven Nielsen, Nibley City Treasurer, was present at the meeting. Mr. Nielsen displayed the proposed Nibley City Investment Policy to the City Council and public present. He discussed State Laws (Money Management Act), Nibley City's past investments, the purpose of an investment policy, and the investment policy proposal. The proposal included the following sections: purpose of investments, legal constraints, roles and responsibilities, where to invest, the prudent investor rule, and the PTIF (Public Treasurers Investment Fund) investment fund.

Planning & Zoning Commission Chair Mark Lawver arrived at 7:52.

Mr. Nielsen read the Nibley City Investment Policy and Resolution 14-2.

Councilmember Hansen made a motion to approve the first reading of Resolution 14-2: A Resolution Approving the Nibley City Investment Policy. Councilmember Cook seconded the motion.

Councilmember Jacobsen asked Mr. Nielsen how Nibley's mix of investments would change from where they currently were. Mr. Nielsen said they would not change much, however, the city had a large sum of money that had matured just recently and they were considering where to put this money. Councilmember Jacobsen asked what authority the Money Management Council had. Mr. Nielsen said they had oversight over the City's investments, making sure they were in compliance with the Money Management Act. He said they also had the authority to approve brokers. Councilmember Jacobsen asked if the Money Management Council was legislatively approved; they were appointed by the governor and the State Senate had to give consent. Mr. Nielsen said they were.

The motion passed unanimously 5-0; with Councilmember Hansen, Councilmember Cook, Councilmember Jacobsen, Councilmember Whittaker, and Councilmember Beus all in favor.

Councilmember Cook made a motion to suspend the agenda and move items 10 and 11 up before 9. Councilmember Jacobsen seconded the motion. The motion passed 4-1; with Councilmember Cook, Councilmember Jacobsen, Councilmember Hansen and Councilmember Beus all in favor. Councilmember Whittaker abstained from voting.

Discussion and consideration of Ordinance 14-1: An ordinance updating the Nibley City subdivision ordinance (1st reading)

Mayor Dustin thanked the City Council for keeping these issues on the agenda. He made it clear that land use issues came with a six month timeline. Councilmember Jacobsen discussed his interpretations of Nibley Ordinances and State code. He said when they are given a land use application they are given standing with Nibley's current ordinances on the books, however, if the City Council has initiated a change to the ordinance then they have the opportunity to hold off a petition that could be effected by the outcome of their public deliberation. He referenced State code 10-9A-509 section 1a and Nibley City Code 10-1-10.A.1.

Ordinance 14-1 was displayed for the City Council and public present. Commissioner Lawver summarized the reasons for the proposed changes to the Nibley City subdivision ordinance (to meet State code, it was outdated, and to clean up some of the language) and then summarized the proposed changes.

Mayor Dustin read Ordinance 14-1.

Councilmember Cook referenced section 11-5-1 and asked about completion of all infrastructure improvement before any mylar is released for recording. The City Planner said this was a change that had been done in other cities and put the burden on the developer to complete their infrastructure improvements because they would not build or

sell anything until the improvements were done. Councilmember Cook questioned the business aspect of this change and felt there would be no way to secure a bond under those requirements. She wanted this answered for the second reading. Mayor Dustin asked for clarification of the question; if the release of the mylar impacted funding for the developer. Councilmember Cook agreed with Mayor Dustin's assessment.

Councilmember Jacobsen clarified that the proposal was not about changing setbacks, zoning, densities, lot sizes, or road right-of-ways and was about the process by which they developed subdivisions in the city. He asked for the benefit of the proposed changes. Commissioner Lawver said this brought them into state compliance, cleaned up land use definition issues, and cleaned up how the process went with the development. He said those were the three main benefits and objectives of rewriting the ordinance.

Councilmember Whittaker asked if this impacted the developer's ability to pay impact fees. The City Planner said this didn't affect how the stormwater fee was collected. She said the other impact fees were collected when building permits are issued. She said it wouldn't be difficult to propose language that would require all fees be paid before release of the mylar.

Councilmember Cook said that a lot of frustration with subdivisions came from the lack of enforcement and the process. She felt they needed to narrow down the process to check lists for the inspector, developer; and that the checklist should come immediately back to the office. Councilmember Cook felt the city should require the developer to provide a digital copy of their construction drawings. Councilmember Cook said it would be nice if during the development process they were documenting inspections with a digital documentation (GIS) that could be uploaded immediately. Councilmember Cook said she would also like to see something on field drains. The City Planner felt the last two items could be updated in the design standards and engineering specs.

Councilmember Cook addressed phasing; she felt they should require all stormwater and landscaping be complete and functioning before the next phase was built and that they should require through streets first. Commissioner Lawver discussed the Planning & Zoning Commission's process with regards to phasing.

Mayor Dustin said he was excited about the proposal and appreciated the time and effort that had gone in to it.

Councilmember Beus made a motion to approve the first reading of Ordinance 14-1: An ordinance updating the Nibley City subdivision ordinance. Councilmember Cook seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Cook, Councilmember Whittaker, Councilmember Jacobsen, and Councilmember Hansen all in favor.

Discussion and consideration of Ordinance 14-2: An ordinance updating the Nibley City land use chart and associated definitions (1st reading)

Commissioner Lawver relayed the conversation the City Planner had with the Cache County Planner. He said it had made to the Planning & Zoning Commission that they

shouldn't have any land uses that were simply permitted in industrial and commercial zones because then the city had no oversight or control over them. They had made everything in an industrial or commercial zone conditional so that it had to come before the city. Commissioner Lawver said they had also consolidated items to simplify the land uses. Commissioner Lawver discussed the process the Planning & Zoning Commission had implemented to review Nibley City ordinances.

Mayor Dustin couldn't find where grocery stores were found. The City Planner said they were consolidated under "retail". Mayor Dustin asked about a correctional facility. The City Planner said the Planning & Zoning Commission had decided that they fell under the "governmental facilities" category. Mayor Dustin said he had noticed that agricultural uses had gained a lot. He discussed that different agricultural uses had a higher impact. Commissioner Lawver said he felt if they made the definitions general and broad then they let the Planning & Zoning Commission and City Council interpret. Councilmember Jacobsen discussed the work he did on the animal use ordinance and felt Mayor Dustin's concerns were addressed there. He said he worked on that ordinance because he wanted to limit the number of goats on his property.

Councilmember Beus made a motion to approve the first reading of Ordinance 14-2: An ordinance updating the Nibley City land use chart and associated definitions.

Councilmember Jacobsen seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Jacobsen, Councilmember Whittaker, Councilmember Hansen, and Councilmember Cook in favor.

Mayor Dustin thanked the City Planner and the Planning & Zoning Commission for the hard work they had put into reworking these ordinances.

Mayor Dustin asked for and was given consent from the City Council to hear questions from the public.

Dave Davenport asked for clarifications from Councilmember Jacobsen about the six month waiting period. Councilmember Jacobsen addressed Mr. Davenport and said that neither of the ordinance before them would have an impact on any proposal in front of the city. Mr. Davenport asked what conditional actually meant. Commissioner Lawver said the city is allowed to put conditions on any proposed land use. Mr. Davenport asked for them to outline the process of a first reading and second reading. Mayor Dustin said the first reading was to present the proposal and can be waived but when the ordinance is accepted then it became part of the city code. Mr. Zook said this was a self-imposed practice. The City Council decided to do this to provide more time to review items.

Discussion of Fiscal Year 2012-13 Audit

The auditor for Nibley City, Mr. Matt Regen was present for this discussion. He reviewed the Nibley City schedule of findings and responses—current year for the year ended June 30, 2013. He discussed finding 3-2 which noted that departments that were over budget; the Nibley City Justice Court and the Community Development department. Mr. Regen and finding 13-3 was that the city accumulated more in the general than State law

allowed. Mr. Regen discussed finding 13-1 that addressed Nibley's system of internal control and that it did not meet all requirements of the Governmental Accounting Office (GAO). Mr. Regen reviewed findings from the previous year that had not been found in the current audit. Councilmember Beus asked who hired the auditor. Mr. Zook said he had. Councilmember Beus stated that she felt the City Council should hire the auditor because he was coming to the City Council to report on the working of the office. Councilmember Whittaker thanked Mr. Regen for putting in the time to work with them.

Council Reports

Councilmember Whittaker updated the City Council on her progress as the liaison to Veterans. She said she had a meeting next week to review the list of resources for Veterans that she had compiled and hoped to include those resources on the Nibley City website.

Councilmember Whittaker said she felt she didn't have enough time to review the items that were put on the agenda. She asked that they make it a standard that they receive the information the weekend before the meeting so that they had adequate time to put the proper amount of effort into each issue. Councilmember Cook asked that they have a cut-off date when items will no longer be revised or are pushed to another agenda. Mr. Zook discussed how this would affect the governmental process in Nibley City. Councilmember Jacobsen reminded the City Council that they set the pace themselves.

Councilmember Beus updated the City Council on her progress in holding a breakfast for Nibley business owners. She discussed the contacts she had made and had set a date for April 26.

Councilmember Jacobsen thought they should review the resolution that the City Council had adopted that set the procedure for first reading and second reading. Mr. Zook also felt it should include classifications of what qualified for a second reading or only required a first reading. Councilmember Jacobsen clarified that he was only requesting to see the document.

Corlyss Drinkard discussed personal experience with agenda items. She felt they needed greater discipline on the City Council and having items available on the website for the City Council and the public to review. She requested the public have access to information at the same time as the City Council.

Mayor Dustin updated the City Council about the proposed bridge and traffic light for the new high school. He said Nibley needed to add their comments to the MOU (Memorandum of Understanding) and send it back to the school district.

Mayor Dustin discussed sewer management communications with Logan and communities on the north end of Cache Valley that were beginning to look at establishing a sewer district. He said they needed to get everyone involved to the "table" to talk about it.

Staff Reports

Mr. Zook reminded the City Council of Newly Elected Officials training on Saturday.

Mr. Zook made the City Council aware that the city was advertising for a chair on the CVTD board.

Mr. Zook asked the City Council to let him know if they would like a Nibley City staff shirt or name tag.

The meeting was adjourned at 10:00 p.m.